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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/551,325	10/18/2005	Ralph Kurt	FR 030042	7462
24737	7590	07/31/2009		
PHILIPS INTELLECTUAL PROPERTY & STANDARDS				
P.O. BOX 3001				
BRIARCLIFF MANOR, NY 10510				
EXAMINER				
DADA, BEEMNET W				
ART UNIT		PAPER NUMBER		
2435				
MAIL DATE		DELIVERY MODE		
07/31/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/551,325

Applicant(s)

KURT ET AL.

Examiner

BEEMNET W. DADA

Art Unit

2435

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claims 1-12 are presented for examination.

Drawings

The drawings filed on October 18, 2005 are accepted.

Specification

The specification filed October 18, 2005 is accepted.

Claim Objections

Claims 9-12 are objected to because of the following informalities: claims 9-12 are a device and/or method claims that depend on a data carrier claim. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Selinfreund et al. US 7,486,790 B1 (hereinafter Selinfreund).

As per claim 1, Selinfreund teaches data carrier (10) comprising:

an information layer (1) comprising a specific area (4) able to deliver a first optical signal (8) and a second optical signal when illuminated by a light source [figures 2, 3, column 8, lines 31-45, column 10, lines 1-52 and column 16, lines 57-65],

a patterned additional layer (2) able to deliver an electrical signal (9) when illuminated by the second optical signal, said electrical signal corresponding to a predetermined pattern [figures 2, 3, column 8, lines 31-45, column 10, lines 1-52 and column 16, lines 57-65],

the combination of the first optical signal (8) and of the electrical signal (9) forming a cryptographic key that is required to decrypt encrypted data contained in the information layer (1) [figures 2, 3, column 8, lines 31-45, column 10, lines 1-52 and column 16, lines 57-65].

As per claim 2, Selinfreund further teaches the data carrier wherein the predetermined pattern is obtained from a segmentation of the additional layer (2) in activated (2a) and deactivated (2b) areas [figures 2 and 3].

As per claim 3, Selinfreund further teaches the data carrier, wherein the additional layer (2) comprises electrodes (5,6), one of which being segmented (6a,6b) in order to obtain the predetermined pattern [figures 2 and 3].

As per claim 4, Selinfreund further teaches the data carrier, wherein the specific area (4) is contained in the initialization area of the information layer (1) [figures 2 and 3].

As per claim 5, Selinfreund further teaches the data carrier, wherein the additional layer is a thermoelectric layer [figures 2 and 3].

As per claims 6-8, Selinfreund further teaches the data carrier, wherein the wherein the additional layer (2) is a photoelectric layer [figures 2 and 3].

As per claims 9-12, Selinfreund further teaches the data carrier further comprising: reading the first signal delivered by the specific area of the information layer, reading the electrical signal delivered by the additional layer, computing a cryptographic key from a combination of the first optical signal and the electrical signal, and decrypting encrypted data contained in the data carrier from the cryptographic key [figures 2, 3, column 8, lines 31-45, column 10, lines 1-52 and column 16, lines 57-65].

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BEEMNET W. DADA whose telephone number is (571)272-3847. The examiner can normally be reached on Monday - Friday (9:00 am - 5:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y. Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Beemnet W Dada/
Primary Examiner, Art Unit 2435
July 30, 2009